

U.S. Patent Application Serial No. 10/828,260
Response filed February 10, 2008
Reply to OA dated November 15, 2007

REMARKS

Claims 1, 2 and 5 - 13 remain pending in this patent application, claims, claims 1, 10, 12 and 13 being independent claims. Claims 3 and 4 have been canceled without prejudice or disclaimer.

Claims 1 and 10 - 13 have been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicant regards as his invention. It is believed that this Amendment is fully responsive to the Office Action dated November 15, 2007.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph. Claim 4 has been canceled without prejudice or disclaimer. Thus, the outstanding indefiniteness rejection is moot. Accordingly, the withdrawal of the outstanding indefiniteness rejection under 35 U.S.C. 112, second paragraph, is in order, and is therefore respectfully solicited.

As to the merits of this case, the following rejections are set forth in the outstanding Office Action:

(1) claims 1 - 8, 10, 12 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tomohiko (JP Pub. No. 11-262081) in view of Lindemann (U.S. Appln. Pub. No. 2004/0223622); and

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(2) claims 9 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tomohiko in view of Lindemann, and further in view of Hooley (U.S. Appln. Pub. No. 2004/0151325).

The applicant respectfully requests reconsideration of these rejections.

The applicant respectfully submits that in his claimed invention, as now recited in each of independent claims 1, 10, 12 and 13, the delay processor delays the audio data based on a difference between a first locating distance from the reference point to the first speaker and the total distance of a sound travel distance corresponding to a time necessary for modulating and demodulating the audio data transmitted to the second speaker in the wireless transmission system and a second locating distance from the reference point to the second speaker. With such claimed structural arrangement or feature, necessary delay time can be easily calculated, whereby the time before reproducing the audio data can be shortened. See, line 19 *et seq.*, page 19 of the applicant's specification, as originally filed.

The applicant submits that above-discussed claimed structural arrangement or feature is not taught in the cited references, singly or combination.

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More particularly, the primary reference of Tomohiko merely teaches delay processing for a plurality loudspeakers, but such Tomohiko-type device or process does not suggest employing wireless loudspeakers. Although the secondary reference of Lindemann may disclose a kind of wireless loudspeaker system, Lindemann is not with the problem that arises when both of the wired loudspeaker(s) and wireless loudspeaker(s) are employed.

On the other hand, the applicant's claimed invention, as now recited in the claims filed herewith, solves the problem of the conventional art by taking the "sound travel distance" corresponding to a time for modulating and demodulating the audio data into consideration for calculating the actual delay time. Such solution exhibited by the applicant's claimed invention is not exhibited in the cited prior art references, singly or in combination.

In view of the above, because the cited references even when combined still fail to fully meet the claimed invention, as now recited in each of claims 1, 10, 12 and 13, the claimed invention would not have been obvious based on the cited references; and thus claims 1, 10, 12 and 13 should now be allowed.

Furthermore, claims 2 and 5 - 8 depend on claim 1, and further limit the scope of claim 1. Thus, at least for the reasons discussed above with respect to claim 1, claims 2 and 5 - 8 should now be similarly allowable.

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Also, the other secondary reference of Hooley is narrowly relied upon by the Examiner merely for teaching the video delay characterized by the Examiner in the paragraph bridging pages 7 and 8 of the outstanding Action. Assuming *arguendo* that such video delay is taught in Hooley and can be combined with the teachings of Tomohiko and Lindemann, the teachings of the suggested combination of all three references would still fall far short in fully meeting the applicant's claimed invention, as now recited in amended claims 1 and 10 from which claims 9 and 11 respectively depend. Accordingly, a person of ordinary skill in the art would not have found the claimed invention, as recited in claims 9 and 11, obvious by the suggested addition of Hooley in the already precarious combination of Tomohiko and Lindemann.

In view of the above, the withdrawal of the outstanding obviousness rejections under 35 U.S.C. 103(a) based on Tomohiko (JP Pub. No. 11-262081) in view of Lindemann (U.S. Appln. Pub. No. 2004/0223622), and under 35 U.S.C. 103(a) based on Tomohiko in view of Lindemann, and further in view of Hooley (U.S. Appln. Pub. No. 2004/0151325) is in order, and is therefore respectfully solicited.

In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

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If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper to Deposit Account No. 01-2340.

Respectfully submitted,

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